

Chapell discloses an automatic derailleur shifter that includes a frame connected arm (42) that is oriented so that a chain follower (58) may engage the upper surface of a chain (14). Insofar as the frame connected arm (42) is interpreted to be the bracket base, then there is no upper surface that is structured to receive a vertically downwardly directed force from a portion of the control device mounted above it. Furthermore, for those claims that recite a horizontal upper surface, structuring the frame connected arm (42) to be horizontal would present the following problems:

1) First, and very importantly, a horizontal upper surface in the Chapell device would appear to destroy the operation of the movable shifter arm (44). Shifter arm (44) requires a vertical surface for pivot pin (50) so that the shifter arm (44) can pivot in a vertical plane and operate the derailleur.

2) Such an orientation would defeat Chapell's purpose of orienting chain follower (58) to engage the upper surface of a chain (14), for the chain follower (58) would end up below the chain;

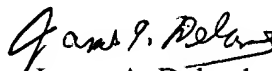
3) Such an orientation would interfere with the operation of hydraulic cylinder (88), which requires the sloped surface for the proper spacing of the cylinder; and

3) A horizontal upper surface would cause the remainder of the device to strike the seat stay (since the bracket attaches to the frame dropout) and hence prevent mounting to the frame.

Thus Chapell neither discloses nor suggests the presently claimed structures.

Accordingly, it is believed that the rejections under 35 USC §102 §112 and have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,


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VERSION OF AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS**

Claims 1, 66, 78 and 79 have been amended as follows:

1. (Twice Amended) A bracket apparatus for mounting a control device for a bicycle transmission to a bicycle frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

a bracket base for supporting the control device at least partially above the first chain stay; wherein the bracket base has a substantially horizontal upper surface for substantially its entire length, wherein the upper surface is structured to receive a vertically downwardly directed force component from a portion of the control device mounted above it;

a first bracket support for coupling the bracket base to at least one of the first chain stay and the first seat stay; and

a second bracket support for coupling the bracket base to at least one of the first chain stay, the seat tube, and the bottom bracket shell.

66. (Twice Amended) A bracket apparatus for mounting a control device for a bicycle to a bicycle frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

a bracket base for supporting the control device at least partially above the first chain stay; wherein the bracket base has a substantially horizontal upper surface for substantially its entire length, wherein the upper surface is structured to receive a vertically downwardly directed force component from a portion of the control device mounted above it; and

a bracket support extending from the bracket base for coupling the bracket base to at least one of the first chain stay, the first seat stay, the seat tube, and the bottom bracket shell.

78. (Amended) A bracket apparatus for mounting a control device for a bicycle transmission to a bicycle frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

- a bracket base for supporting the control device at least partially above the first chain stay;
- a first bracket support for coupling the bracket base to at least one of the first chain stay and the first seat stay;

- a second bracket support for coupling the bracket base to at least one of the first chain stay, the seat tube, and the bottom bracket shell; and

- wherein the bracket base has an upper surface that extends laterally in a horizontal direction beyond the first bracket support and the second bracket support.

79. (Amended) A bracket apparatus for mounting a control device for a bicycle transmission to a bicycle frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

- a bracket base for supporting the control device at least partially above the first chain stay;
- wherein the bracket base includes a mounting surface extending vertically upwardly from an upper surface thereof, wherein the upper surface is structured to receive a vertically downwardly directed force component from a portion of the control device mounted above it;

- a first bracket support for coupling the bracket base to at least one of the first chain stay and the first seat stay; and

- a second bracket support for coupling the bracket base to at least one of the first chain stay, the seat tube, and the bottom bracket shell.

Please add the following new claims:

80. (New) A bracket apparatus for mounting a control device for a bicycle transmission to a bicycle frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

- a bracket base for supporting the control device at least partially above the first chain stay; wherein the bracket base has an upper surface that is structured to receive a vertically downwardly directed force component from a portion of the control device mounted above it;
- a first bracket support for coupling the bracket base to at least one of the first chain stay and the first seat stay; and
- a second bracket support for coupling the bracket base to at least one of the first chain stay, the seat tube, and the bottom bracket shell.

81. (New) The apparatus according to claim 80 wherein the upper surface is substantially horizontal from the first bracket support to the second bracket support.

82. (New) A bracket apparatus for mounting a motor that controls a bicycle transmission to a bicycle frame, wherein the frame has a bottom bracket shell, a seat tube extending upwardly relative to the bottom bracket shell, a first chain stay extending rearwardly relative to the seat tube and a first seat stay extending rearwardly relative to the seat tube above the first chain stay, wherein the apparatus comprises:

- a bracket base for supporting the motor at least partially above the first chain stay; wherein the bracket base has an upper surface that supports the motor so as to receive a vertically downwardly directed force component from a portion of the motor mounted above it;
- a first bracket support for coupling the bracket base to at least one of the first chain stay and the first seat stay; and
- a second bracket support for coupling the bracket base to at least one of the first chain stay, the seat tube, and the bottom bracket shell.